

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 386 OF 2003.

The State of Maharashtra.

... Applicant.

Versus.

Namdev Laxman Sale.

... Respondent.

Shri A.S.Shitole, A.P.P.for the Applicant.

Shri Kuldeep S.Patil for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 16th October, 2006.

P.C.:

1. Heard the learned A.P.P. in support of the prayer for grant of leave to prefer Appeal. The learned Special Judge has acquitted the Respondent of the offences under section 7 and 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, 1988.

2. After having heard the learned A.P.P., I find that no case is made out for grant of leave. The Complainant who had made allegation regarding the demand of bribe in the sum of Rs.1000/- against the Respondent turned hostile. He did not support the prosecution as regards the allegation of demand made by the Respondent. There was no other evidence led by the prosecution to show existence of any demand by the Respondent. In view of this position, the order of acquittal has been passed.

3. The view taken by the learned Special Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Appeal is dismissed.

Judge.